

**Remarks/Arguments:**

Claims 1-4 are pending and stand rejected.

By this Amendment, the specification has been amended, claim 1 has been amended and new claim 5 has been added.

No new matter is presented by the specification changes, claim amendment and new claim 5. The specification has been amended to correct an error (i.e., the term "loading" has been changed to --rolling--. This error is an obvious error (i.e., one which a person of ordinary skill in the art would have understood to be an error and would have also understood the correction). Support for the claim amendment can be found throughout the original specification and, for example, in the original specification at the paragraph spanning pages 3 and 4.

**Allowable Subject Matter**

Claim 4, which is indicated to be allowable if properly rewritten in independent form, has not been rewritten in independent form because claim 1 from which claim 4 depends is submitted to be allowable.

**Provisional Rejection of Claims 1-3 under the Judicially Created Ground of Non-Statutory Obviousness-Type Double Patenting**

In the Office Action, at item 1, claims 1-3 are provisionally rejected on the ground on nonstatutory obviousness-type double patenting as unpatentable over claims 1 and 3-4 of co-pending U.S. Application No.: 10/549,771 (hereafter referred to as the '771 application) in view of Kiyotaka et al. (JP 08-1002993, hereafter referred to as Kiyotaka) in view of Kuze et al. (US Patent Publication 2002/0051558, hereafter referred to as Kuze).

It is submitted that because this is a provisional rejection, Applicant is not required to substantively respond to this provisional rejection until the '771 Application issues and the rejection is, thus, no longer provisional.

**Rejection of Claims 1-3 under 35 U.S.C. § 103(a)**

In the Office Action, at item 5, claims 1-3 are rejected under 35 U.S.C. § 103(a) as unpatentable over Funahashi et al. (U.S. Patent Publication No. 2003/0185415, hereafter referred to as Funahashi) in view of Kiyotaka in further view of Kuze.

Reconsideration is respectfully requested.

Claim 1 is directed to a loudspeaker, and recites that:

... the voice coil unit, diaphragm and suspension holder, acting as a single solid body, to suppress rolling of the voice coil unit.

That is, the voice coil unit, diaphragm and suspension holder, act as single solid body, to suppress rolling of the voice coil unit.

**Funahashi Reference**

Funahashi discloses that suspension holder 20 and diaphragm 17 have high stiffness. (See Funahashi at paragraphs [0043]-[0044].) Funahashi, however, is silent regarding the stiffness of suspension holders 25 and 27 which are linked to the underside of diaphragms 17 and 26, respectively. Moreover, Funahashi does not disclose or suggest that the voice coil unit, diaphragm and suspension holder act as a single solid body or that by acting as a single solid body they suppress rolling of the voice coil unit.

**Kiyotaka Reference**

Kiyotaka is a Japanese reference and the English language translation is of only the Japanese Abstract. Kiyotaka is directed to an inverted dome speaker. The Abstract of Kiyotaka discloses "a microbiological cellulose is disaggregated in water and paper-made to have a prescribed thickness by using a paper making net. In the case of paper-making process, the material is made composite by blending a high elastic fiber such as highly elastic carbon fiber or aramid fiber or a regulator with proper property such as flaky mica to the cellulose to obtain a diaphragm material

with a desired characteristic. In the case of assembling, a voice coil bobbin 2a and a damper 2b are formed integrally." The bobbin 2a in Kiyotaka is "provided in a magnetic gap 8 and an outer circumferential part of the damper 2B is adhered to a frame 9. The inverted dome diaphragm 1 made of the microbiological cellulose has a high Young's modulus and an excellent internal loss." Purportedly, in Kiyotaka, "the strength and the reliability for a high input signal are thus improved." (See the Abstract of Kiyotaka.) Although the Abstract of Kiyotaka discloses a voice coil bobbin 2b, a diaphragm 1, and a damper 2b, Kiyotaka is silent regarding these structures acting as a single solid body.

### **Kuze Reference**

The addition of Kuze does not overcome the deficiencies of Funahashi and Kiyotaka. This is because Kuze does not disclose or suggest "the voice coil unit, diaphragm and suspension holder, acting as a single solid body, to suppress rolling of the voice coil unit," as required by claim 1. Although Kuze discloses that any element of the vibrating section 3000 (e.g., voice coil 1, diaphragm 2 and spider 3) is formed integrally with the vibrating section 3000, Kuze is silent regarding the vibrating section 3000 being a solid body or that it suppress rolling of the voice coil.

Accordingly, claim 1 is submitted to be allowable over Funahashi in view of Kiyotaka in further view of Kuze for at least the reasons set forth above.

### **Claims 2-3**

Claim 2-3, which include all of the limitations of claim 1, are submitted to be allowable over Funahashi in view of Kiyotaka in further view of Kuze for at the least the same reasons as set forth regarding claim 1.

### **New Claim 5**

New claim 5, which includes similar features to those of allowable claim 4, is submitted to be allowable over the cited art. More particularly, claim 5 includes all of the features of previously allowable claim 4 with the exception of the magnetic circuit feature recited in claim 1 from which claim 4 depends (i.e., "a magnetic circuit disposed inside the frame").

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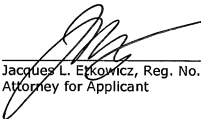
Consideration and allowance is respectfully requested.

### **Conclusion**

In view of the specification amendments, claim amendment and new claim, Applicant submits the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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